

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NO. 03 CV 12307 RGS

JOSEPH CHRISTOFORO )

Plaintiff )

VS. )

JULIO LUPO, )

Defendant )

Joint Motion to Continue Trial

Now come the parties and do respectfully move this Honorable Court to continue the trial presently scheduled for October 29, 2007, to a date convenient to the Court in early 2008.

In support of this motion the parties assign the following:

1. That counsel for the plaintiff will begin a criminal trial in Essex Superior Court in the case of Commonwealth v. Bradley on October 22, 2007. The defendant has been in custody for fourteen months and there is little likelihood this matter will be resolved short of trial;
2. That counsel for the defendant has, due to a recent death in his family, had to re- schedule numerous trials, which has resulted in conflicts in his schedule;
3. That the parties are actively working to reach a resolution of this matter. More specifically, the parties reasonably believe that there may be insurance coverage available to the defendant, through the Essex County Sheriff's Office, for whom he was employed at the time of the incident set forth in the instant Complaint;
4. That the parties are actively attempting to seek all such information, but are in need of additional time to do so;
5. That the parties represent that the instant requested continuance is necessary due to

schedules of counsel and reasonably believe that if the instant motion is allowed, that this cause of action may be resolved.

Respectfully Submitted,  
The Defendant,  
By His Attorney,

Respectfully Submitted,  
The Plaintiff,  
By His Attorney,

/s/ Joseph W. Monahan, III  
Joseph W. Monahan, III  
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/s/ Edward J. McCormick, III  
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**CERTIFICATE OF SERVICE**

I, Edward J. McCormick, III, do hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 3, 2007.

/s/ Edward J. McCormick, III  
Edward J. McCormick, III